

PATENT
Docket No. 511582002700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703) 746-7145 on May 6, 2003.

Tami M. Procopio
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR, *et al.*

Serial No.: 09/389,000

Filing Date: 31 August 1999

For: PHELIX: A TESTIS-SPECIFIC
PROTEIN EXPRESSED IN CANCER

Examiner: Minh-Tam Davis

Group Art Unit: 1642

#30

(14)

official 6-26-03
05/06/03

COMMUNICATION

Mail Stop AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Communication is submitted to propose an Examiner's Amendment pursuant to a discussion between Examiner Davis and the undersigned on 29 April 2003. The proposed amendments to claims 60 and 68 are for clarification only and do not change the scope of the pending claims.

Applicants appreciate the agreement that, with the proposed amendments in place, the claims are in a position for allowance. Appreciation is again expressed to Examiner Davis for her consideration in this matter.

sd-144918

The suggested Examiner's Amendment to claim 60 is as follows (both a clean and marked-up version):

³
~~60.~~ (Thrice amended) An isolated fragment of the amino acid sequence of SEQ ID NO: 2 of at least 15 contiguous amino acids of said sequence comprising amino acid residues 140-154 of SEQ ID NO: 2 wherein the fragment is recognized by an antibody that specifically binds a PHELIX protein having the amino acid sequence of SEQ ID NO: 2.

60. (Thrice amended; marked up): An isolated [polypeptide] fragment of the amino acid sequence of SEQ ID NO: 2 of at least 15 contiguous amino acids of [the] said sequence [shown in SEQ ID NO: 2, which comprises] comprising amino acid residues 140-154 of SEQ ID NO: 2 wherein the [polypeptide] fragment is recognized by an antibody that specifically binds a PHELIX protein having the amino acid sequence of SEQ ID NO: 2.

The suggested Examiner's Amendment to claim 68 is as follows (both a clean and marked-up version):

⁵
~~68.~~ (Thrice amended) An isolated polypeptide that is at least 90% identical to the amino acid sequence of SEQ ID NO: 2 over the entire length of SEQ ID NO: 2 and wherein any amino acid substitutions are conservative substitutions wherein the polypeptide is recognized by an antibody that specifically binds a PHELIX protein having the amino acid sequence of SEQ ID NO: 2.

68. (Thrice amended; marked up): An isolated polypeptide that is at least 90% identical to the amino acid sequence of SEQ ID NO: 2 over the entire length of SEQ ID NO: 2 and [that is a] wherein any amino acid substitutions are conservative substitutions and [mutant of a protein having the amino acid sequence of SEQ ID NO: 2] and wherein the polypeptide is recognized by an antibody that specifically binds a PHELIX protein having the amino acid sequence of SEQ ID NO: 2.

It is believed that the amendment to claim 60 clarifies that it is a fragment of SEQ ID NO: 2 that is being claimed and claim 68 has been amended to clarify that every amino acid substitution in any protein that is not identical to SEQ ID NO: 2 must be a conservative substitution, as was the original intent of claim 68.

Should any questions impeding allowance remain, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 511582002700.

Respectfully submitted,

Dated: May 6, 2003

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

MORRISON & FOERSTER LLP

Attorneys at Law
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

To: Examiner Davis
U.S. Patent and Trademark Office

Facsimile: 1-703-746-7145
Telephone: 1-703-305-2008

From: Kate H. Murashige

Date: May 6, 2003

We are transmitting a total of 4 pages (including this page).
Original or hard copy to follow if this box is checked ☐.

Preparer of this slip has confirmed that facsimile number given is correct: 9111/TMP

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Comments: Application No. 09/389,000
Our reference: 511582002700
For: PHELIX: A TESTIS-SPECIFIC PROTEIN EXPRESSED IN CANCER

Examiner Davis:

Here is the Communication pursuant to our discussion 29 April 2003. Thank you.